

**WARREN COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
FRIDAY, MAY 12, 2006**

The Board of Supervisors of the County of Warren convened at the Supervisors' Room in the Warren County Municipal Center, Lake George, New York, at 10:00 a.m.

Mr. William Thomas presiding.

Salute to the flag was led by Supervisor Belden.

Roll called, the following members present:

Supervisors Gabriels, Monroe, Girard, Sheehan, Mason, O'Connor, Kenny, Belden, Bentley, W. Thomas, Tessier, Merlino, Caimano, Champagne, VanNess, Barody, F. Thomas, Haskell, and Geraghty - 19.

Absent: Supervisor Stec- 1

Motion was made by Mr. Mason, seconded by Mr. Geraghty and carried unanimously, to approve the minutes of the April 13, 2006 Board Meeting, subject to correction by the Clerk.

Chairman Thomas declared the public hearing on proposed Local Law No. 5 of 2006, entitled "A Local Law Amending the Duties of the Warren County Public Defender", open at 10:01 a.m. and requested the Clerk to read the Notice of Public Hearing.

Clerk read the Notice of Public Hearing.

Paul Dusek, County Attorney, explained that under the strictest of interpretations of the previously adopted law, as well as the County Law, the Public Defender could only represent persons in need of representation in criminal matters. He further explained that as a practical matter, the Public Defender was asked to become involved in the Warren County Felony Drug Court Team, as well as the Family Treatment Team, and also was asked to serve on the Glens Falls Domestic Violence Court and the Glens Falls City Drug Treatment Court. He stated that in order for the Public Defender to be legally covered during participation of those events, it was suggested that the law be amended.

There being no one further wishing to speak on proposed Local Law No. 5 of 2006, Chairman Thomas declared the public hearing closed at 10:04 a.m.

Chairman Thomas extended privilege of the floor to Jerold Quintal, former Supervisor of the Town of Warrensburg and currently the Warren County OTB (Off-Track Betting) representative, to provide the OTB report.

Mr. Quintal noted the report was developed by Michael Connery, President of OTB, for the 2005 handle. He stated that on January 11, 2006, Mr. Connery announced that the 17 participating municipalities would receive a projected \$6.2 million in 2005, an increase of more than \$1 million or 20% when compared to 2004. He added it was also announced that the amount wagered at the OTB facilities in 2005 had increased by \$825,000, while corporate expenses were down more than \$1 million respectively. He said that the Saratoga Racino reported \$2 billion in bets last year, of which local taxpayers did not receive a dime. He noted

that the report handle numbers for the Saratoga Racino were proof positive that state officials should eliminate the hold harmless provision in State Law, which required County taxpayers through OTB revenues to subsidize privately owned harness tracks. He added that this was clearly a law that ought to be eliminated.

Continuing, Mr. Quintal reviewed the year end numbers for OTB for 2005 compared to 2004. In handle, he said, OTB was up \$825,497, the expenses were down \$1,274,931 and revenues to the counties were up \$1,027,127. He noted Mr. Connery had stated that the handle increase was a result of an improvement in the phone-a-bet system which now included voice recognition.

Mr. Quintal thanked the Board members for their time.

Chairman Thomas declared the public hearing on proposed Local Law No. 6 of 2006, entitled "A Local Law Authorizing the Establishment and Appointment of the Position of Confidential Secretary to the Commissioner of Administrative and Fiscal Services", open at 10:15 a.m. and requested the Clerk to read the Notice of Public Hearing.

Clerk read the Notice of Public Hearing.

There being no one wishing to speak on proposed Local Law No. 6 of 2006, Chairman Thomas declared the public hearing closed at 10:17 a.m.

Privilege of the floor was extended to Andie Zajaceskowski, Recruitment Assistant for Experience Works. Mr. Zajaceskowski apprised Experience Works was a national, non-profit, organization that provided a free service to people 55 years old and older, to obtain an income and employment.

Mr. Zajaceskowski introduced Larry Finkle, Field Operations Coordinator for Experience Works. Mr. Finkle explained Experience Works had been in the area for quite some time; they were operating in 38 states and it was formerly called the Green Thumb Program. He added that the program had been very successful in helping mature workers gain employment. He explained that the process that they employed was that they would place a person in either a not-for-profit or a public entity, for a certain amount of hours per week and Experience Works would pay the person a subsidized training wage on a short-term basis. During that time, he said, Experience Works would be looking for regular work off the program for the person. He noted that the average amount of time on the program for the people that had been hired was less than one year. Mr. Finkle asked the Board members if they knew of anyone in their communities that were over 55 years old and were looking for employment, to please refer them to Experience Works.

Mr. Caimano asked if there was a limit as to how long the person could work and Mr. Finkle replied there was not a definite time at this point, but due to budgetary restrictions, he

could place someone on the program for 90 days.

Privilege of the floor was extended to Candace Kelly, Director of the Office for the Aging, who informed the Board members that the Annual Senior Banquet would be held at the Fort William Henry on Thursday, May 18th at noon. She added the cost was \$15 and they would be honoring the seniors that were being honored at the meeting today.

Privilege of the floor was extended to Supervisor Frederick Monroe, who introduced Marjorie Swan of the Town of Chester and the Warren County Historian, who was being recognized for the Outstanding Contribution by a Senior Award. He remarked on the many accomplishments of Mrs. Swan and presented her with the Warren and Hamilton Counties Office for the Aging Outstanding Contribution by a Senior Award. The Board members responded with applause in recognition of the honoree.

Privilege of the floor was extended to Supervisor William VanNess, who introduced John Dwyer of the Town of Queensbury, who was being recognized as Warren County's Senior of the Year. He highlighted the accomplishments of Mr. Dwyer and his volunteer work throughout the community. He presented the Warren and Hamilton Counties Office for the Aging Senior of the Year Award plaque to Mr. Dwyer, and the Board members responded with applause in recognition of his accomplishments.

Privilege of the floor was extended to Tom Garrett, of Siemens Building Technologies, who apprised that the American Council of Engineering in New York, which was the leading professional advocate group of all the disciplines of engineering companies in the State of New York, had selected Warren County for the gold award of excellence in engineering for the Westmount Health Facility. He presented awards to Hal Payne, Administrator of the Westmount Health Facility, John Haskell, Supervisor of the Town of Thurman, as well as the representatives from Clough, Harbour and Associates and Siemens Building Technologies, who put the co-generation project together.

Mr. Haskell expounded that this co-generation project took three years to get going, they had seen the savings and over the next fifteen years the savings should add up to \$1.5 million. He added that if, for some reason the County did not save money with the co-gen, Siemens would pay the difference. He thanked the representatives from Siemens and most importantly he thanked Mr. Payne on behalf of the taxpayers in Warren County for bringing this project forward. Chairman Thomas added that a press release had gone out in regards to this project, as well.

Chairman called for reports by Committee chairmen on past activities for May. The following committee chairmen or vice-chairmen presented verbal reports on May meetings or activities:

Supervisor Belden, DPW; Supervisor Haskell, Westmount Health Facility &

Countryside Adult Home and County Facilities;

Mr. Haskell reported on the building project for the new Health and Human Services building. He apprised that a number of meetings had been held with Clark Patterson Associates and things were moving forward. He noted Fred Austin, former Superintendent of DPW, had been hired to fill the position of Building Projects Coordinator.

Mr. Haskell said that each month he would provide the board members with an update on the project until November. He added that the bids were planned to go out in November and when the bids came back they would have an exact cost for the project.

Mr. Barody questioned when the RFP (Request for Proposal) for the construction management would be done and Mr. Haskell replied he would like to have that prepared before the next County Facilities Committee meeting.

Chairman Thomas returned to reports by committee chairmen on past activities. The following committee chairmen or vice-chairmen presented verbal reports on May meetings or activities:

Supervisor Monroe, Solid Waste and Recycling; Supervisor Barody, Health Services and Economic Development; Supervisor Caimano, Budget; Supervisor VanNess, Fire Prevention and Control.

Mr. Mason reminded the board members that the Employee Identification tags had been implemented and he thought the Supervisors should be setting the standard by having their identification tags displayed.

Chairman called for reading of communications.

Clerk read communications, including the following:

Minutes from:

- Office of Community Services for Warren & Washington Counties & its MRDD Subcommittee;
- Warren/Washington Counties IDA, as well as the Executive/Park Committee;
- Warren County Planning Board;
- Soil & Water Conservation.

Monthly Reports from:

- Wheelabrator Hudson Falls;
- Weights & Measures;
- Probation;
- Veterinarian.

Annual Report from:
Warren County Health Services.

Capital District Regional Off Track Betting, Financial reports for January, February and March 2006, as well as 2005 audited financial statements.

Assemblywoman Sayward, resolution acknowledgments.

NYSAC, resolution acknowledgments.

State of NYS, Department of Transportation, notification of workshop regarding the Transportation Enhancement Program.

NYS Office for the Aging, notification of award of the State Pharmaceutical Assistance Program Grant.

Town of Queensbury, May 2006 Planning Board and Zoning Board of Appeals Agendas.

Warren/Washington Counties IDA, May 15th meeting notice and draft agenda.

NYS Emergency Management Office; notice of available funding for a new mitigation program.

South Warren Snowmobile Club, certificate of appreciation to the Warren County Board of Supervisors for support of their club.

Mayor of Saga City, Japan, thanking Warren County for their support of the Sister Cities Student Exchange Program.

Adirondack Park Local Government Review Board, correspondence regarding the St. Regis Mountain Fire Observation Station and correspondence relating to the Barton Mines Wind Monitoring Mast.

Communications, resolutions and reports ordered placed on file.

Chairman Thomas stated the Mayor of the City of Glens Falls, Roy Akins, was at the meeting today because Resolution No. 359 of 2006 regarding the Public Authorities Law was ready to be discussed.

Paul Dusek, County Attorney, explained he had sent out a memo with the two Municipal Home Rule Requests. The first, he said, was regarding the hotel and motel tax and the proposed legislation deleted the paragraph that required the law to be renewed every

three years. He further explained, once approved, the state law would be amended and another Local Law would need to be enacted because the current Local Law was for three years.

Mr. Dusek apprised the other Municipal Home Rule Request was for the Warren County Convention Center Sports Authority Legislation which was reviewed in a workshop session with the Supervisors. He noted he was happy to report that the Legislation before the board members today was essentially the same as what had been discussed during the workshop.

Mayor Akins expounded it was a great time for the County, the City of Glens Falls and the communities involved to move forward with this authority and he thought it would have a great economic impact for everyone.

Mr. Kenny recognized Michael Bush, Ward 1 Councilman for the City of Glens Falls, who was at the meeting. Continuing, Mr. Kenny asked Mr. Dusek to explain the necessary financial structure to support the Convention Center and Authority and how that would be funded.

Mr. Dusek stated the Legislation did provide the Authority with the ability to obtain bonds to support its finances and he noted that bonds were essentially borrowings. He added that the bonds would require the assistance of a fiscal advisor to help develop this. He said that the Legislation did provide authority for the County board to contract with the authority to provide funds on a contract basis, for up to 75% of the revenues of the occupancy tax.

Mr. Kenny confirmed that the taxpayers of Warren County would not be supporting the Convention Center or Sports Authority. Mr. Dusek added there was no authority under this current Legislation for the County to use general tax revenues.

Mr. Barody noted that the Legislation did allow for the acceptance of any State, Federal or private funds for the Public Authority.

Mr. Caimano requested a roll call vote on Resolution No. 348, resolution in opposition to prohibit arresting State Troopers from performing prosecutorial responsibilities in local justice courts relating to traffic violations.

Privilege of the floor was extended to Larry Cleveland, Sheriff, to give a detailed explanation of Resolution No. 348, a resolution in opposition to prohibit arresting State Troopers from performing prosecutorial responsibilities in local justice courts relating to traffic infractions. Sheriff Cleveland explained this resolution indicated that the State Police were not going to prosecute and that was not what was intended. He stated the intent was that State Troopers could be in front of a judge at trial but they could not plea bargain with the defendant, which was what Sheriff Cleveland had been telling his staff for years. He

concluded he thought this resolution was being misunderstood. Motion was made by Mr. VanNess, seconded by Mr. Caimano and carried unanimously to table Resolution No. 348.

Mr. Merlino requested privilege of the floor to discuss Resolution No. 312, authorizing update of 2004 feasibility and planning report prepared by the Institute of Outdoor Drama and preparation of Request for Proposals for the preliminary site design of an outdoor historical drama to be located in the Town of Lake George. Mr. Merlino expounded he and the Lake Luzerne Town Board were in support of this project 500%. Unfortunately, he said, they were not aware that the road expense was an obligation of the Town of Lake Luzerne. He added that given the current financial constraints that the town was facing, it was decided that the Town of Lake Luzerne could not commit the money that was needed to continue this project. He further stated that he was committed to keeping the outdoor drama in Warren County and to assist the Town of Lake George in any way that he could.

Chairman Thomas added that the original report had Lake George as the preferred site for the location but at that time there were some problems with the site. He noted that those problems had been resolved and the road was already built in Lake George which would provide access to the site.

Chairman called for reading of resolutions and discussion.

Mrs. Sady reported that Resolution Nos. 311 through 364 were mailed and a motion to bring Resolution Nos. 310 and 365 through 374 to the floor was necessary. Motion was made by Mr. Caimano, seconded by Mr. Bentley, and carried unanimously, to bring Resolution Nos. 310 and 365 through 374 to the floor.

Chairman Thomas called for a vote on the resolutions.

Resolution Nos. 310 through 374 were approved, with the exception of Resolution No. 348 which was tabled. Mortgage Tax Report was submitted.

Chairman Thomas announced the members that he had appointed to the sub-committee to research and make recommendations relative to separating the duties of a Civil Service Officer and a Human Resource Officer as follows: Supervisor Gabriels, Supervisor Barody, Supervisor Geraghty, County Attorney, Paul Dusek, Commissioner of Administrative and Fiscal Services, Joan Parsons and Personnel Officer, Rich Kelly.

Mr. Gabriels announced that the Youth Court members had requested permission to present a power point presentation and to present certificates to the seniors in that program at the June 16th Board meeting.

Mr. Monroe announced several items on the Adirondack Park Agency (APA) issues. The first, he said, was that the APA had withdrawn their proposal to impose campground

regulations and Senator Little had proposed a bill which had passed to ensure that Adirondack campgrounds would be treated the same as other campgrounds throughout the State of New York. He noted that the Forest Preserve Advisory Committee had elected J.R. Risley, of the Town of Inlet, as Chairman of that committee. He stated that the APA had unanimously granted the appeal of Adirondack Wind Powers on the second meteorological tower for the Adirondack Wind Project. He said that the APA and DEC (Department of Environmental Conservation) had agreed to study all of the fire towers in the Adirondacks, a number of which had been named to the National Historic Register.

Mr. Kenny informed the board members that on May 15th he and Councilman Dristle from the fifth ward of the City of Glens Falls, would be holding a Town Hall meeting to explain the role of a County Supervisor as opposed to the role of a City Councilman and to discuss some important projects going on throughout the County and the City of Glens Falls. He noted there would be a follow-up meeting in late September at which time he may ask the County Administrators to join them and explain their roles.

Mr. Caimano apprised there had been many changes since January 1, 2006. He noted that Joan Sady, Clerk, and Nicole Livingston, Second Deputy Clerk, had taken on new positions and Joan Parsons had increased her duties as Commissioner of Administrative and Fiscal Services. He added that the Board members had not noticed any change because of their efficiency and he thanked them.

Mr. Caimano commented that Supervisor Haskell and Hal Payne had worked diligently to get the co-generation project completed. He noted it was unfortunate that they did not receive the press coverage that they should.

Mr. Merlino informed the board members that a kayak rodeo group had been raising private funds for three years and they had put together a rodeo for kayaking and rafting on the Sacandaga River for this summer. He added that he had contacted Congressman Sweeney who helped him get the river shut down in order to get the boulders put in place for the rodeo. He noted that this activity would bring many kayakers and rafters to the Town of Lake Luzerne.

Mr. Haskell stated that he didn't feel Sheriff Cleveland was properly acknowledged for his work on the Public Safety Building project. He thanked Sheriff Cleveland for his work on the new Public Safety Building and added that the jail was completed ahead of schedule and under budget. Sheriff Cleveland thanked Mr. Haskell for his comments.

Mr. O'Connor noted that at the last board meeting he had commented on the rising gasoline prices throughout the area and he wondered if letters had been sent to the State Legislators expressing the concern of the Board members. Chairman Thomas replied affirmatively and noted he had been contacted by the Post Star regarding this issue and he relayed his personal feeling that a \$2.00 cap on gasoline was a good idea.

Chairman Thomas acknowledged Judy Harris, who had worked for the Office of the

Aging for several years, and announced she would now be taking on the position of County Auditor. Mrs. Harris expressed her thanks and stated that she appreciated the opportunity and she looked forward to a long and successful relationship with each and everyone of the Supervisors and the Board members responded with applause.

William Remington, Superintendent of DPW, updated the board members on the status of the Route 9 and 254 intersection as well as the Quaker Road signals. He noted both projects were moving forward. He added that the round-about in the City of Glens Falls was moving forward, as well. General discussion ensued concerning the details of the project and the bidding outcome.

Privilege of the Floor was extended to Kathleen Sonnabend of the Town of Queensbury. She apprised that she had brought a petition signed by 259 people in opposition to the Emergency Training Center being located on the Adirondack Community College campus. She questioned the status of the responses from architects in regards to the specifications. Marv Lemery, Fire Coordinator, replied that the RFP (Request for Proposal) had not been prepared yet and the County Attorney was working on it.

Privilege of the floor was extended to Larry Bennett, former Supervisor of Town of Lake Luzerne, who expressed his extreme disappointment in the movement of the outdoor drama theater project from Lake Luzerne. However, he added that he was happy that the project was moving ahead and staying in Warren County.

There being no further business, on motion by Mr. Caimano and seconded by Mr. Tessier, Chairman Thomas adjourned the meeting at 11:48 a.m.